

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of Dan L. EATON et al.	Examiner: Dong Jiang
Serial No. 10/015,967	Docket No.: 22338-501
Filed: December 7, 2001	Group Art Unit: 1646
For: INTERLEUKIN-8 HOMOLOGOUS POLYPEPTIDES AND THERAPEUTIC USES THEREOF	

Honorable Commissioner for Patents  
and Trademarks

Sir:

**NOTICE OF APPEAL TO THE BOARD OF PATENT APPEALS  
AND INTERFERENCES (37 C.F.R. § 1.191)**

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner, mailed April 6, 2004, finally rejecting claims 33-43.

A Petition to extend the period for submitting the Notice of Appeal in response to the Final Office Action, dated April 6, 2004, for one additional month to August 6, 2004, is being filed concurrently herewith.

A Response Transmittal and Fee Authorization form, along with authorization to charge \$440.00 (\$330.00 for the filing fee for a Notice of Appeal, plus \$110.00, the one month extension fee under 37 C.F.R. § 1.117(a)(3)) to Sidley Austin Brown & Wood's Deposit Account No. 18-1260 is respectfully submitted herewith. In addition, if the Response Transmittal and Fee Authorization form is missing, insufficient, or otherwise inadequate, or if a fee, other than the issue fee, is required during the pendency of this application, please charge such fee to Sidley Austin Brown & Wood's Deposit Account No. 18-1260. Please credit any overpayment to Sidley Austin Brown & Wood's Deposit Account No. 18-1260.

SIDLEY AUSTIN BROWN & WOOD LLP

By: Jeffrey P. Kushan



Reg. No. 43,401

Date: August 19, 2004

JPK/yea

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